

# MEMORANDUM

Agenda Item No. 11(A)(20)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

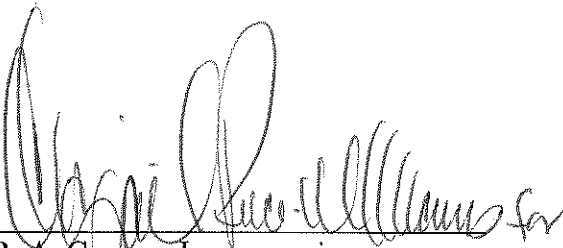
**DATE:** January 22, 2014

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution supporting HB 341  
or similar legislation that would  
prohibit smoking a tobacco  
product in a motor vehicle in  
which another person who is a  
minor is present

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.



R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** January 22, 2014

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(20)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(20)  
1-22-14

RESOLUTION NO. \_\_\_\_\_

RESOLUTION SUPPORTING HB 341 OR SIMILAR  
LEGISLATION THAT WOULD PROHIBIT SMOKING A  
TOBACCO PRODUCT IN A MOTOR VEHICLE IN WHICH  
ANOTHER PERSON WHO IS A MINOR IS PRESENT

**WHEREAS**, Representative Charles McBurney (R - Jacksonville) has filed HB 341 for consideration during the 2014 session that would prohibit smoking a tobacco product in a motor vehicle in which another person who is a minor is present; and

**WHEREAS**, HB 341 would provide that smoking a tobacco product in a motor vehicle when another person who is a minor is present is a nonmoving violation, enforceable as a secondary action after a driver has been pulled over for another offense; and

**WHEREAS**, secondhand smoke is classified as a "known human carcinogen" (cancer-causing agent) by the US Environmental Protection Agency, the US National Toxicology Program, and the International Agency for Research on Cancer, a branch of the World Health Organization; and

**WHEREAS**, in children, secondhand smoke causes respiratory infections, respiratory symptoms, ear infections, and more frequent and severe asthma attacks; and

**WHEREAS**, in the United States, the cost of extra medical care, illness, and death caused by secondhand smoke is estimated to be over \$10 billion per year; and

**WHEREAS**, the levels of pollution from secondhand smoke are more concentrated in confined areas, including motor vehicles,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board:

**Section 1.** Supports HB 341 or similar legislation that would prohibit smoking a tobacco product in a motor vehicle in which another person who is a minor is present.

**Section 2.** Urges the Florida Legislature to enact such legislation.

**Section 3.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, House Speaker, Representative Charles McBurney, and the Chair and members of the Miami-Dade State Legislative Delegation.

**Section 4.** Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2014 state legislative package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman

Lynda Bell, Vice Chair

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 22<sup>nd</sup> day of January, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

MP

Matthew Papkin